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Senate
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SENATE

S.B. No. 308

BY: *jin*

Introduced by SENATOR CYNTHIA A. VILLAR

EXPLANATORY NOTE

Section 13, Article II of the 1987 Constitution provides that "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism, nationalism and encourage their involvement in public and civic affairs.

Consistent with the objectives of this constitutional provision, this Magna Carta for students is being proposed to acknowledge and protect the rights and welfare of the students.

The enactment of the proposed measure is significant considering that the future leaders of this nation will definitely come from the ranks of dynamic, progressive and nationalistic students.

I recommend the approval of this bill.

Cynthia A. Villar
CYNTHIA A. VILLAR

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SENATE

RECEIVED BY: *ja*

S.B. No. 308

Introduced by SENATOR CYNTHIA A. VILLAR

AN ACT
PROVIDING FOR A MAGNA CARTA OF STUDENTS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *General Principles.* - The State recognizes the crucial role of
2 students in nation building. As such,

3
4 (a) The State shall promote the active participation of students in affecting
5 change, and development in society.

6
7 (b) The State shall promote and protect the right of all students to qualify
8 education at all levels and shall take appropriate steps to make such education
9 accessible to all.

10
11 (c) The intrinsic value of the student as a person stands above other values.
12 The personal right and dignity of individuals shall be held inviolate; it shall take
13 precedence over any academic goal set by any school or learning institution.

14
15 (d) The student shall be considered at all times a responsible person. He or
16 she shall, therefore be encouraged to make informed decisions with respect to his or
17 her own education and to be involved in school decisions to the fullest extent possible.

18
19 (e) The State recognizes the role of student councils, publications and other
20 organizations in the promotion and protection of the students' democratic rights and
21 welfare and in the inculcation of social awareness and responsibility.

22
23 (f) Both the freedom to teach and the freedom to learn depend upon
24 opportunities and conditions in the classrooms, on the campus and in the larger
25 community. The responsibility to provide and maintain general conditions conducive to
26 learning is shared by all members to the academic community.

27
28
29 SEC. 2. *Definition of Terms.* - As used in this Act:

30
31 (a) "Student" means any person enrolled in school, even if on leave for the
32 semester or with minimum course load, pursuing secondary, post secondary,
33 vocational, technical, tertiary, graduate and post graduate studies.

1 (b) "Student" means any private, public or government run and funded
2 academic institutions offering any or all courses in the above mentioned levels, and
3 collectively those responsible for its control and operations;
4

5 (c) "School Campus" means the totality of all contiguous or proximate
6 buildings, grounds or other facilities designated by the school authorities as areas or
7 facilities for the use of its students; a school may consists of more than one campus;
8

9 (d) "Governing Board" means the highest policy making body of the school
10 such as the Board of Directors, Trustees or Regents;
11

12 (e) "Student Council/Government" means the body representing the whole
13 student population in one campus whose officers are annually elected at large by the
14 whole student population pursuant to its constitution and bylaws;
15

16 (f) "Council of Leaders" means the body composed of the heads of various
17 student organizations chaired by the President/Chairperson of the Student Council;
18

19 (g) "Student Publications" means publications managed and published by
20 students and autonomous and independent from sectors of the school;
21

22 (h) "Students Organizations" means an association or group of students
23 bonded by common ideals, principles, visions and interests and working toward
24 achieving their goals and aspirations;
25

26 (i) "Instructor" means any person hired by the school to conduct classroom
27 activities;
28

29 (j) "Tuition" means the fee representing direct costs of instruction, training
30 and academically related activities, and the use of school facilities. The term "other
31 school fees" refers to fees which cover the necessary costs directly supportive of
32 instruction, such as medical and dental, athletic, library, laboratory, student council fees,
33 publication fees, and Citizen Army Training (CAT) or Citizen Military Training (CMT)
34 fees.
35

36
37 **SEC. 3. *Freedom of Access to Education.*** - Under no circumstances shall a
38 student be denied admission to any school and of financial aid, scholarship and other
39 educational privileges and opportunities because of physical disability, socio-economic
40 status, political belief and affiliation, national origin, ancestry, race, religion sex, sexual
41 orientation, marital or parental status, and to the extent specified by law, age, or veteran
42 status; nor shall pregnant students, reformed convicts and drug abusers and those
43 suffering from the Acquired Immune Deficiency Syndrome be discriminated against.
44 Students not allowed to enroll in any school has the right to appeal such ruling to the
45 appropriate education agency.
46

47 Students are free to pursue their educational goals; appropriate opportunities for
48 learning in the classroom and on the campus shall be provided by the school.
49

50
51 **SEC. 4. *Right to Organize and Freedom of Association.*** - Students are free to
52 form, join or participate in any group or organization within or outside of the school
53 campus for any lawful purpose including, but not limited to religious, social, economic,
54 political, intellectual, cultural or recreational purposes.
55

1 There shall be a central student council/government in every school that is
2 autonomous and with annually popularly elected officers. The Committee on Elections
3 constituted, to conduct the election of the officers shall be composed solely of *bona fide*
4 students of the school. Every student council/government shall determine its policies
5 and programs on student activities subject to its duly ratified charter and state policy.
6

7 Membership or affiliation to any legitimate student, community, socio-civic,
8 religious, political and other lawfully constituted organizations shall not be a condition to
9 admission in any school. No student shall likewise be coerced not to join any
10 organization as a condition for admission or as a ground for suspension or expulsion.
11 Affiliation or disaffiliation with an extramural organization shall not disqualify the school-
12 based branch or chapter from registering as a student organization.
13

14 No unreasonable requirements for accreditation shall be imposed upon any
15 student organization. The Central Student Council/Government shall decide on the
16 accreditation of student organizations in consultation with the Dean of Student Affairs.
17

18 Upon submission of their constitution and by laws and a formal letter addressed
19 to the Central Student Council/Government and for recognition shall be immediately
20 processed and acted upon in ten (10) days but not more than twenty (20) days.
21 *Provided*, That existing organizations shall only be required to submit the names of their
22 newly elected officers and amendments to their constitution and by-laws, if any.
23

24 **SEC. 5. Freedom of Expression.** - Freedom of expression shall be interpreted to
25 include all forms of written and oral expression, and all forms of dramatic and artistic
26 expression, dissent or controversy.
27

28 (a) Students shall have access to print and broadcast media in their
29 information activities;
30

31 (b) Students shall be free from censorship in the publication and
32 dissemination of their view as long as these are not represented as the views of the
33 school;
34

35 (c) Student publications shall be free from any action controlling editorial
36 policy in accordance with Republic Act No. 7079 otherwise known as the "Campus
37 Journalism Act" and its amendments. Its editors, managers and contributors shall be
38 protected from arbitrary sanctions originating from the outside the student press.
39

40 (d) Subject to existing laws, students shall be free to assemble, to
41 demonstrate, to protest, to communicate and to petition the government and school
42 authorities for the redress of their grievances;
43

44 (e) School authorities shall designate a certain area on every campus a
45 freedom park where students can freely discuss issues directly and indirectly affecting
46 them.
47

48 **SEC. 6. Academic Rights.** - Students' rights shall include but not limited to the
49 following;
50

51 (a) A student has the right to choose a field of study and to pursue his course
52 up to graduation.
53
54
55

1 (b) A student has the right to be informed in reasonable detail in writing at the
2 first or a second class meeting with the assigned instructor about nature/content of the
3 course and to expect the course to correspond generally to its official description.
4

5 (c) A student has the right to be informed writing at the first or a second class
6 meeting with the assigned the criteria to be used in evaluating the student's
7 performance and to expect that the grading system described by the school shall be
8 followed;
9

10 (d) A student has the right to legitimate discussions inside and outside the
11 classroom and to express dissent or advocate alternative views and opinions without
12 being penalized.
13

14 (e) A student has the right to receive a grade based only upon a fair and just
15 evaluation of performance in a course as measured by the standards announced by the
16 instructor at the first or second meeting. The student will be evaluated on knowledge
17 and academic performance for purpose and granting academic credit and not on the
18 basis of personal and political beliefs.
19

20 (f) A student has the freedom to conduct academic researches and to freely
21 discuss and publish his/her findings and recommendations.
22

23 (g) Students may invite and hear speakers of their choice on subjects of their
24 choice, and the school for the purpose of censorship shall not withhold approval.
25

26 (h) Students have the right to make a written evaluation of the performance of
27 their teachers towards the end of the school term, to propose improvement in the
28 quality of instruction and in the screening of incoming faculty members, as well as to
29 participate in curriculum development.
30
31

32 *SEC. 7. Right to Adequate Academic Facilities. -*
33

34 (a) Students have the right to adequate academic facilities such as library,
35 research, laboratory and information technology equipment; sports and fitness,
36 recreation and other basic facilities.
37

38 (b) Students have the right to live in safe, descent accommodation with
39 reasonable rent whether provided by the school, or the private sector. Letters and
40 communications received by the school on behalf of the student shall be delivered
41 promptly upon notification.
42

43 (c) School authorities shall endeavor to provide free annual check-up to
44 students and an on-campus infirmary clinic. They shall also be responsible that a
45 campus is rendered adequate for students with inability and other disabilities.
46

47 (d) No school shall charge the students with excessive fees in the use or
48 availing such facilities or services. Every school shall provide the students with clear
49 guidelines of any additional costs which may be incurred while studying before they
50 enter a school. These shall be rigorously monitored by the student council/government
51 to prevent the charging of top-up fees.
52

53 (e) Students/student organization have the right to access or use of campus
54 facilities free from discrimination and subject only to regulations as to time and manner
55 of governing the facility
56

1
2 **SEC. 8. *Right to Student Employment.*** - The school shall encourage
3 opportunities for student summer and part-time employment. It shall develop career
4 counseling and guidance in order to enhance student capability to join the workforce
5 during and after his school years.

6 The Student Council shall support job and career development efforts creating
7 among its student's organization and "Student Job Center" specifically for this purpose.
8

9 Government agencies such as DOLE, DTI, DSWD, NYC, PSC, POC, shall
10 likewise provide support by giving students priority placement, following the out-of-
11 school youth in availing of summer employment in government and public works.
12

13 Every student, working for a period not to exceed the minimum wage and other
14 benefits provided by the labor code has the right to minimum wage if they are in the
15 employment.
16

17 Students have the right to protection in the workplace through health and safety
18 conditions that are cognizant of their age and physical development.
19
20

21 **SEC. 9. *Right to Consultation, Information and Participation in Policy Making.*** -
22 Students have the right to be informed and consulted in the formation of school and
23 calculation politics. No rule, regulation or policy that directly or indirectly affect the
24 students rights and welfare, including tuition fee increase, shall be implemented without
25 prior consultations and information.
26

27 There shall be a student representative in the Governing Board of the school.
28 The Chairman/President of the Student Council or any designated representative
29 chosen by the heads of various local college student council shall be the representative.
30

31 Student shall be represented in other policy-making bodies, which directly affect
32 their welfare especially in curriculum review, student discipline and academic standards.
33 The student council shall designate the representatives.
34

35 The student council/government through a majority vote of all its members shall
36 have to file an appeal on any decision of any policy making body subordinate to the
37 Governing Board. Such appeal shall be filed with the Governing Board.
38

39 The Student Council/Government with the same requisite number of votes
40 referred to in the previous paragraph may file a motion for reconsideration of any
41 decision' of the Governing Board.
42

43 In case of any decision unfavorable to the students, the Student
44 council/government may file an appeal with the Department of Education (DEPED), the
45 Technicsil Education and Skills Development (TESDA), and the Commission on Higher
46 Education (CHED), as the case may be.
47

48 All appeals and motions for reconsideration referred to in the previous
49 paragraphs must be within thirty (30) calendar days from the date of notice of decision.
50
51

52 **SEC. 10. *Creation of Student Ethics Committee.*** - Recognizing the values of
53 student responsibility and self-regulation, as well as its own capacity to discipline in the
54 aspect of students ethics, the school management shall refer to the Students Ethics
55 Committee. Such committee shall be created for this purpose by the student
56 government in consultation with the "Student Affairs Office."

1
2 All questions pertaining to plagiarism, falsification, copying, cheating and other
3 forms of unethical student conduct shall be referred to the Students Ethics Committee
4 which may be recommended appropriate disciplinary action to the Student Disciplinary
5 Board.
6

7 SEC. 11. *Due Process in Disciplinary Proceedings.* - No student shall be
8 suspended or summarily dismissed without proof or hearing. Witnesses may be called
9 in the student's defense. Witnesses should be identified and reference should be made
10 to the school rule or regulation violated and the possible severity of such charges.
11

12 There shall be a Student Disciplinary Board in every school which shall hear and
13 decide on disciplinary proceedings. It shall be composed of two (2) student members,
14 two (2) faculty members and one (1) representative from the school administration. The
15 Student Council shall endorse the student and faculty members.
16

17 The student has the right to appeal adverse decisions by the Student Disciplinary
18 Board to the Governing Board and ultimately to the appropriate education agencies.
19

20 The Student Disciplinary Board, in coordination with the Dean of Student Affairs
21 shall publish and post on a periodic basis acts which are deemed violative of school
22 rules and regulations and the corresponding disciplinary sanctions. Provide that such
23 rules and regulations do not violate the students' rights herein and under the
24 Constitution. *Provided, further,* That the disciplinary sanctions shall be corrective rather
25 than punitive.
26

27
28 SEC. 12. *Right to Protection and Privacy of Official Educational Records* - A
29 student has the right to inspect and to be issued his/her official records.
30

31 The student has the right to request the school to amend his or her records and,
32 if that request is denied, the student has the right to a hearing to challenge the content
33 of the students official education records, to insure that the records are not inaccurate,
34 misleading or otherwise in violation of the privacy or other rights to students. If the
35 school declines to amend the record following the hearing, the student has the right to
36 submit a statement for inclusion in the education record commenting on the information
37 in the record and the schools decision not to amend it. *Provided* the right to a hearing
38 does not include any right on the part of the student to challenge the appropriateness of
39 the grade as determined by an instructor.
40

41 Student's records shall not be released to persons other than the authorized
42 school authorities without permissions of the student or through compliance with
43 applicable laws.
44

45 Information about a student's views, beliefs and political associations acquired in
46 the course of instruction, advising and counseling is confidential and shall not be
47 disclosed to others unless by written consent of the student.
48

49 The school shall not act in derogation of the rights of students to be secure in
50 their possessions. Students shall be secure against invasion of privacy and
51 unreasonable search and seizure. Except for the following instances, no search and
52 seizure of a student shall be deemed valid:
53

- 54 a) searches made to a point of ingress by authorized personnel of the
55 school;
56

- 1 b) searches and seizures of illegal article or articles falling in the plain view of
2 duly authorized personnel;
3
4 c) searches and seizures of article that are illegal, discovered inadvertently
5 duly authorized personnel;
6
7 d) searches made when the student is about to commit, is committing or has
8 committed a crime or a serious infraction of the school's rules and
9 regulation
10
11 e) searches made with a valid search warrant
12

13 Students shall have the right to study or practice without undue restriction or
14 disruption.
15

16 The privacy of communication and correspondence among students shall remain
17 inviolable.
18

19
20 **SEC. 13. *Implementing Rules and Regulations.*** - Within ninety (90) days, the
21 DEPED, TESDA, and CHED, in consultation with the students and all concerned groups
22 shall promulgate the necessary rules and regulations to implement the provisions of this
23 Act.
24

25
26 **SEC. 14. *Penalty.*** Any person who shall willfully interfere with, restrain or
27 coerce any student in the exercise of his or her right guaranteed by this Act, or who
28 shall upon conviction, be punished by a fine of not less than Ten Thousand Pesos
29 (P10,000.00) nor more than Fifty Thousand Pesos (P50,000.00) or by imprisonment of
30 not less than one (1) year not more than five (5) years, or both such fine and
31 imprisonment at the discretion of the Court. If the offender is an educational institution, a
32 juridical person, the penalty shall be imposed upon the President, Treasurer, Secretary
33 or any person or officer responsible for the violation. If the offender is an alien, he shall,
34 after the service of sentence, be deported immediately without further proceeding in the
35 Bureau of Immigration and Deportation (BID). If the offender is a public officer or
36 employee, the Court shall, in addition to the penalties herein above provided, order his
37 dismissal from the government service.
38

39 In this regard, the DEPED, the CHED, and the TESDA shall be empowered to
40 investigate into the violations of this Act or the rules and regulations issued there under
41 and for this purpose shall have the power to issue summons, writs, orders, subpoena
42 and subpoena *duces tecum* to secure the attendance of witnesses and the presented to
43 the appropriate body.
44

45
46 **SEC. 15. *Repealing Clause.*** All laws, decrees, orders, rules and regulations or
47 other issuances or parts thereof inconsistent with the provisions of this Act hereby
48 repealed or modified accordingly.
49

50
51 **SEC. 16. *Effectivity Clause*** .This Act shall take effect fifteen (15) days after its
52 publication in any newspapers of general circulation.
53

54
55 Approved,